

UNITED STATES DISTRICT COURT
EASTERN DISTRICT OF TENNESSEE
at GREENEVILLE

RALPH STEWART,)
)
 Plaintiff,)) No. 2:11-cv-12
 v.))
)) Judge Mattice
JOHNSON COUNTY, TENNESSEE,))
)
 Defendant.))

SCHEDULING ORDER

1. ***Introduction:*** Pursuant to Fed. R. Civ. P. 16(b), a scheduling conference was held in this cause on **April 27, 2011**. Present representing the plaintiff **was** attorney **Gregory Lipper**. Present representing the defendant **was** attorney **Jeffrey Ward**. The following action was taken.

2. ***Jurisdiction:*** In this case, the subject matter jurisdiction of the Court has been invoked pursuant to **28 U.S.C. § 1331**, and **is not** in dispute.

3. ***Consent to Magistrate Judge:*** The parties **do not** consent that all proceedings in this case may be conducted by a United States Magistrate Judge in accordance with 28 U.S.C. § 636(c).

4. Settlement/Alternative Dispute Resolution

(a) The possibility of this case being resolved by settlement appears to be **unknown** at this time.

(b) The parties shall discuss the possibility of utilizing the Federal Court Mediation Program in this case. They will notify the Court on or before **July 26, 2011** as to whether they think the Federal Court Mediation Program can aid in resolving this case. Letters expressing the parties' views in this regard should be sent to the attention of Geneva Ashby, U.S. District Court, 900 Georgia Avenue, Room 309, Chattanooga, Tennessee 37402.

5. Disclosure and Discovery

(a) ***Fed. R. Civ. P. 26(f) Meeting:*** The parties have held a discovery planning meeting as required by Rule 26(f).

(b) ***Discovery Plan:*** The parties have filed with the Court a discovery plan in accordance with Fed. R. Civ. P. 26(f).

(c) **Initial Disclosures**: The parties shall make all disclosures required by Rule 26(a)(1) on or before **May 16, 2011**.

(d) **Expert Testimony**: Plaintiff shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before **December 6, 2011**. Defendant shall disclose to all other parties any expert testimony in accordance with Fed. R. Civ. P. 26(a)(2) on or before **January 3, 2012**.

If at any time it appears that a *Daubert* hearing may be necessary to determine the admissibility of expert testimony, the parties shall notify the Court at their earliest convenience of the potential need for such a hearing.

(e) **Final Witness List**: On or before **January 17, 2012**, each party shall provide to all other parties a final witness list in accordance with Fed. R. Civ. P. 26(a)(3)(A). Within five (5) days after service of this final witness list, the list may be supplemented. After that time, the list may be supplemented only with leave of the Court and for good cause.

(f) **All Discovery**: All discovery, including the taking of depositions “for evidence,” shall be completed by **January 31, 2012**.

(g) **Pretrial Disclosures**: On or before **March 13, 2012**, the parties shall make the pretrial disclosures specified in Fed. R. Civ. P. 26(a)(3)(A)(ii) and (iii) (*i.e.*, deposition testimony and exhibit list). All deposition testimony to be offered into evidence must be disclosed to all other parties on or before this date.

(h) **Courtroom Technology**: On or before **April 30, 2012**, the parties shall (1) disclose to one another the technology they intend to use in the courtroom during the trial and how they intend to use it (*e.g.*, display equipment; data storage, retrieval, or presentation devices); (2) disclose to one another the content of their electronic or digital materials; and (3) confirm the compatibility/viability of their planned use of technology with the Court’s equipment. General information on equipment supplied by the Court is available on the Eastern District of Tennessee website (www.tned.uscourts.gov). Specific questions about Court-supplied equipment should be directed to the presiding judge’s courtroom deputy (directory available on website).

6. Other Scheduling Matters

(a) **Joinder of Parties and Amendments to the Pleadings**: If any party wishes to join one or more additional parties or amend its pleadings, such joinder or amendment shall be made by **January 3, 2012**.

(b) **Dispositive Motions**: All dispositive motions under Fed. R. Civ. P. 12 and all motions for summary judgment pursuant to Fed. R. Civ. P. 56 shall be filed as soon as possible, but no later than **February 14, 2012**. The failure to timely file such motions will be grounds to

summarily deny them.

(c) **Motions in Limine**: Any motions in limine must be filed no later than **April 24, 2012**.

(d) **Proposed Findings of Fact and Conclusions of Law for Nonjury Trial**:

Pursuant to Local Rule 52.1, the parties shall submit to the Court proposed findings of fact and conclusions of law no later than **April 24, 2012**. Proposed findings of facts shall contain a jurisdictional statement, identify the parties, and set out the facts in the chronological order the particular party intends to prove them at trial. Conclusions of law should be concise with appropriate citations of authority pursuant to Local Rule 7.4. Conclusions of law should not be argumentative. A copy of the proposed findings of fact and conclusions of law should be sent as an e-mail attachment in WordPerfect or WordPerfect-compatible format to ***mattice_chambers@tned.uscourts.gov***.

7. **Final Pretrial Conference**: A final pretrial conference will be held in this case on **April 30, 2012 at 4:00 p.m.** before the United States District Judge, First Floor District Courtroom, U.S. Courthouse, 900 Georgia Avenue, Chattanooga, Tennessee. The parties shall prepare a final pretrial order and shall submit such order to the Court at least one day before the date of the final pretrial conference. The parties shall submit such order by sending it as an e-mail attachment in WordPerfect or WordPerfect-compatible format to ***mattice_chambers@tned.uscourts.gov***.

8. **Trial**: The trial of this case will be held before the United States District Judge **without the intervention of a jury** beginning on **May 15, 2012** in **Greeneville**, Tennessee. The trial is expected to last 4 days. Counsel shall be present at **9:00 a.m.** to take up any preliminary matters which may require the Court's attention. The parties shall be prepared to commence trial at **9:00 a.m.** on the date which has been assigned. If this case is not heard immediately, it will be held in line until the following day or any time during the week of the scheduled trial date. **SHOULD THE SCHEDULED TRIAL DATE CHANGE FOR ANY REASON, THE OTHER DATES CONTAINED IN THIS ORDER SHALL REMAIN AS SCHEDULED. SHOULD THE PARTIES DESIRE A CHANGE IN ANY OF THE OTHER DATES, THEY SHOULD NOTIFY THE COURT AND SEEK AN ORDER CHANGING THOSE DATES IN ACCORDANCE WITH RULE 16(B).**

ENTERED this 28th day of April, 2011.

/s/Harry S. Mattice, Jr.
HARRY S. MATTICE, JR.
UNITED STATES DISTRICT JUDGE